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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,132	03/30/2000	Timothy Francis McDonough	CMCDO.00001	8936

7590 11/14/2001

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EXAMINER

*Felton, Daniel*

ART UNIT	PAPER NUMBER
2165	10

DATE MAILED: 11/14/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/539,132	Applicant(s) McDounough
	Examiner Daniel Felten	Art Unit 2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1)  Responsive to communication(s) filed on Mar 30, 2000

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 835 C.D. 11; 453 O.G. 213.

#### Disposition of Claims

4)  Claim(s) 1-143 is/are pending in the applica

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from considera

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-143 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirem

#### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

15)  Notice of References Cited (PTO-892)      18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      19)  Notice of Informal Patent Application (PTO-152)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). 7 & 8      20)  Other: \_\_\_\_\_

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## DETAILED ACTION

1  
2       ***Claim Rejections - 35 USC § 103***  
3     1.     The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
4     obviousness rejections set forth in this Office action:

5               (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in  
6     section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are  
7     such that the subject matter as a whole would have been obvious at the time the invention was made to a person  
8     having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the  
9     manner in which the invention was made.

10  
11    2.     Claims 1-143 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
12     Huberman (US 5,826,244).

13     **Regarding claims 1-100:**

14     Huberman discloses a data (*document*) processing method for implementing a service  
15     (*document service*) contract futures exchange (see Huberman Abstract; col. 19, ll. 1-5),  
16     comprising:

17               receiving a bid order for a service contract (see col. 3, ll. 52-58);  
18               transferring ownership of the corresponding service contract to the bidder (see col. 13,  
19     ll. 16+).

1 Huberman fails to disclose matching the bid order for a service contract with the ask  
2 order, however Huberman *does* discloses the bidders' selecting from lowest priced bids that  
3 conform to the requirements made by the bidder (see col. 12, ll. 10+). It would have been  
4 obvious for an artisan ordinary skill at the time of the invention to match the bid for a  
5 commodity or service contract with the ask order because an artisan at the time of the  
6 invention would recognize that transactions will be made to via the system that best supplies  
7 the requirements of the asker. Thus to match the asker with its requirement would have been  
8 an obvious expedient to one of ordinary skill in the art.

9

10 **Regarding claims 101-143:**

11 Huberman discloses a processing system implemented computer program product on a  
12 computer medium for implementing a service contract futures exchange (see Huberman col. 5,  
13 ll. 35 to col. 7, ll. 31).

14 receiving instructions for a service contract (see col. 10, ll. 6-21);

15 transferring instructions for transfer of ownership of the corresponding service contract  
16 to the bidder (see col. 13, ll. 16+; and col. 10, ll. 6-21).

17 Huberman fails to disclose instructions for matching bid orders for a service contract  
18 with and ask order. Since Huberman discloses preprogramed instructions as to the specifics of  
19 the order, it would be obvious to an artisan of ordinary skill in the art to include the price

1 range the bidder is seeking to pay for a particular service in order for the system to response  
2 with a result that the bidder will accept. Thus such a feature would have been an obvious  
3 expedient to one of ordinary skill in the art.

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7 ***Conclusion***

8 3. A list of cited references appears below not relied upon in this Office Action:

9 **Non-Patent Literature:**

10 “*Multilateral, Multi-term Trades Possible Though Net Exchange*”; Wall Street & Technology;  
11 November 2000; Vol. 18, No. 11, page 38

12

13 Foreign Patents:

14 Kelly (WO 00/75838 A1) Contingency-Based Options and Futures for Contingent Travel  
15 Accommodations.

16

17 4. Any inquiry concerning this communication or earlier communications from the examiner  
18 should be directed to **Daniel S. Felten** whose telephone number is (703) 305-0724. The  
19 examiner can normally be reached between the hours of 7:00AM to 5:30PM Monday-Thursday.  
20 Any inquiry of a general nature relating to the status of this application or its proceedings should  
21 be directed to the Customer Service Office (703) 306-5631, or the examiner's supervisor  
22 **Vincent Millin** whose telephone number is (703) 308-1065.

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1 5. Response to this action should be mailed to:

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3 Commissioner of Patents and Trademarks  
4 Washington, D.C. 20231

5

6 for formal communications intended for entry, or (703) 305-0040, for informal or draft  
7 communications, please label "Proposed" or "Draft".

8 Communications via Internet e-mail regarding this application, other than those under 35  
9 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be  
10 addressed to [daniel.felten@uspto.gov].

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14 All Internet e-mail communications will be made of record in the application file. PTO  
15 employees do not engage in Internet communications where there exists a possibility that  
16 sensitive information could be identified or exchanged unless the record includes a properly  
17 signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly  
18 set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and  
19 Trademark on February 25, 1997 at 1 195 OG 89.

20

21



22 D. S. F.  
23 October 1, 2001

F. Poinvil  
FRANTZY POINVIL  
PRIMARY EXAMINER

